

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 3-5, 16-18, 20, 21, 23-25, 36-38, 40, 41, 43-45, 56, 57 and 60 and cancels claims 19, 39, 58 and 59; claims 1-38, 40-58 and 60 remain pending. Support for these amended claims can be found throughout the specification. Furthermore, these amendments do not introduce any new matter.

In the Office Action to which this paper is responsive, claims 3-5, 23-25 and 43-45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 57-59 were rejected under 35 U.S.C. § 101 as claiming non-statutory subject matter. Claims 3-5, 23-25 and 43-45 were also rejected under 35 U.S.C. § 101 because the claims were considered inoperative. Claims 1-5, 17-19, 21-25, 37-39, 41-45 and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gravell et al. (WO 98/57303) or Lee et al. (EP 0927960) in view of Brasington (5,923,406) and Whitehouse (6,005,945). Claims 6, 26 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gravell et al. or Lee et al. in view of Brasington and Whitehouse and further in view of alternative forms of payment. Claims 7-16, 20, 27-36, 40, 47-56 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gravell et al. or Lee et al. in view of Brasington and Whitehouse and further in view of *In re Duhlburg*, 129 U.S.P.Q. 348 (CCPA 1965) or *In re Harza*, 124 U.S.P.Q. 378 (CCPA (1960)

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Examiner Interview

Applicants respectfully thank Examiner Cosimano for taking the time in a telephone interview to discuss the Office Action to which this paper is responsive and for preparing a summary of the interview. Amendments and remarks herein reflect the discussions at that interview.

Objection to the specification

The specification was objected to because the status of a referenced patent application was not included. To update the status of this reference, the paragraph in the

specification referencing application 09/611,375 is amended to include "now abandoned." No new matter has been added.

Rejection of claims 3-5, 23-25 and 43-45 under 35 U.S.C. § 112

Claims 3-5, 23-25 and 43-45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As discussed with the Examiner, Applicants have amended claims 3-5, 23-25 and 43-45 to more clearly point out the claimed invention. In these amended claims, Applicants replace the term "information" with the term "serial number." Since using a serial number for validation would be understood in view of the present specification, Applicants believe that this amendment eliminates any vagueness or indefiniteness in these claims and respectfully request withdrawal of the § 112 rejection.

Rejection of claims 57-59 under 35 U.S.C. §101

Claims 57-59 were rejected under 35 U.S.C. §101 as claiming non-statutory subject matter. In the Office Action and interview, the Examiner expressed that the claims envision a disembodied storage device rather than computer code associated with a computer in such a way as to cause the computer to operate in a specific manner. Applicants have amended claim 57 and canceled, without prejudice, claims 58 and 59. Claim 57 was amended to more clearly recite that the code causes a computer to operate in a specific manner – to generate postage for users in different locations with a single license. In view of these amendments, Applicants respectfully request withdrawal of the rejection of claim 57 under 35 U.S.C 101.

Rejection of claims 3-5, 23-25 and 43-45 under 35 U.S.C. §101

Claims 3-5, 23-25 and 43-45 were also rejected under 35 U.S.C. § 101 because the claims were considered inoperative. In the interview, the Examiner explained that the claims were considered inoperative by virtue of their indefiniteness and indicated that an amendment that overcame the § 112 rejection would also overcome the § 101 rejection. The amendments to claims 3-5, 23-25 and 43-45 discussed above are believed to overcome the § 112 rejection, and withdrawal of the rejection under 35 U.S.C. § 101 is also respectfully requested.

Rejection of claims 1-5, 17-19, 21-25, 37-39, 41-45 and 57-59 under 35 U.S.C. § 103(a)

Claims 1-5, 17-19, 21-25, 37-39, 41-45 and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gravell et al. or Lee et al. in view of Brasington and Whitehouse. Applicants respectfully traverse, on the grounds that the cited references do not teach or suggest a postage vendor system that uses a single license number to generate postage over a network for users in different ZIP codes.

For instance, Gravell teaches a postage vendor system that requires each user to be associated with a unique license rather than a single license associated with the system and usable by multiple users. Lee discloses a system where users have access to a variety of postage systems associated with various ZIP codes but does not suggest a postage vending system with a single license that generates postage for users in different ZIP codes. Brasington discloses a series of kiosks that dispense postage, each kiosk with a unique license number, all connected to a server that performs accounting functions for each of the kiosks, but does not discuss a server system that issues postage for remote users. Whitehouse teaches a network postage system that requires each user to have at least one unique license. None of the prior art references teach or suggest a postage vendor system associated with a single license number that generates and sends postage over a network to users in different ZIP codes.

Claims 1, 3-5, 17, 18, 21, 23-25, 37, 38, 41, 42-45 and 57 have been amended to specifically recite that a postage vendor system associated with a single license number generates and sends postage over a network to users in different ZIP codes. This feature is not taught or suggested by the cited references, and the claims are patentable for at least this reason. Claims 19, 39, 58 and 59 have been canceled without prejudice, rendering the rejection moot as to those claims. Withdrawal of the rejection of claims 1-5, 17, 18, 21-25, 37, 38, 41-45 and 57 under 35 U.S.C. § 103(a) is respectfully requested.

Rejection of claims 6, 26 and 46 under 35 U.S.C. § 103(a)

Claims 6, 26 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gravell et al. or Lee et al. in view of Brasington and Whitehouse and further in view of alternative forms of payment. These claims depend from claims 2, 22 and 42 respectively. As discussed above, parent claims 2, 22 and 42, recite features not taught or suggested by the cited

prior art. Applicants, therefore, respectfully request withdrawal of the rejection of claims 6, 26 and 46 under 35 U.S.C. § 103(a).

Rejection of claims 7-16, 20, 27-36, 40, 47-56 and 60 under 35 U.S.C. § 103(a)

Claims 7-16, 20, 27-36, 40, 47-56 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gravell et al. or Lee et al. in view of Brasington and Whitehouse and further in view of *In re Duhlborg*, 129 U.S.P.Q. 348 (CCPA 1965) or *In re Harza*, 124 U.S.P.Q. 378 (CCPA (1960)). Claims 16, 20, 36, 40, 56 and 60 have been amended. Claims 7-16 depend from independent claim 1, claims 27-36 depend from claim 21, and claims 47-56 depend on claim 41. As discussed above, parent claims 1, 21 and 41 have been amended to recite that postage vendor system sends postage indicia to users located in different ZIP codes using a single postal license, which is not taught or suggested by the cited art. Therefore, dependent claims 7-16, 27-36 and 47-56 also include this element and are patentable for at least this reason.

Independent claims 20, 40 and 60 have also been amended to recite that a postage vendor system associated with a single license generates and sends postage over a network to users in different ZIP codes. Because the cited references do not teach or suggest at least this feature, Applicants respectfully request withdrawal of the rejection of claims 7-16, 20, 27-36, 40, 47-56 and 60 under § 103(a).

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Amendment dated June 22, 2005
Reply to Office Action of March 22, 2005

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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